

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:) Examiner: Wegert, Sandra L.
David BOTSTEIN, et al.)) Art Unit: 1647
Application Serial No. 09/997,614)) Confirmation No. 7398
Filed: November 15, 2001)) Attorney's Docket No. 39780-2730 P1C29
For: **SECRETED AND TRANSMEMBRANE**)) Customer No. 35489
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PRELIMINARY AMENDMENT

MAIL STOP RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

On October 20, 2004, the Examiner made a final rejection to pending Claims 119-126 and 129-131. A Notice of Appeal was filed on January 20, 2005, and Applicants' Appeal Brief was filed on August 22, 2005. An amended Appeal brief was filed October 28, 2005 and a second Notice of non-compliance was mailed January 23, 2006 by the PTO.

Applicants submit herewith a Preliminary Amendment, which accompanies a Request for Continued Examination under 37 C.F.R. §1.114 for the above identified application, with a request of five-months extension of time with necessary fees. Applicants' arguments presented in the previously filed Appeal Brief are incorporated herewith in their entirety.

This Preliminary Amendment is concurrently filed with an Information Disclosure Statement with additional references in support of the Applicants' arguments and with the submission of a new Declaration under 37 C.F.R. §1.132 by Dr. Paul Polakis with Exhibits A and B. Entry of these documents and consideration of the following arguments is respectfully requested.

Remarks/Arguments begin on page 2 of this paper.